FILED

MAR 21 2008

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ______ DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

JEFFREY E. RADFORD, Plaintiff, v. GENERAL DYNAMICS INFORMATION TECHNOLOGY, INC. and UNUM PROVIDENT CORPORATION, Defendants.	§ § § § § § § § § § §	C.A. No. W08CA079

NOTICE OF REMOVAL

Defendants General Dynamics Information Technology, Inc. ("General Dynamics") and Unum Provident Corporation ("Unum Provident") (together "Defendants"), for the purpose only of removing this action to the United States District Court for the Western District of Texas, Waco Division, state:

1. **State Court Action.** This action was filed on February 5, 2008, in the 169th Judicial District Court of Bell County, Texas and numbered 227,840-0 on that court's docket. Plaintiff Jeffrey E. Radford ("Plaintiff") seeks to recover disability benefits under a group insurance policy provided by General Dynamics (the "Employer") and administered by Unum Provident.

2. **Federal Jurisdiction.** Plaintiff seeks to recover damages arising out of a determination regarding disability benefits under a plan regulated by the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, et seq. ("ERISA").

Plaintiff's claims are completely preempted by ERISA, as 29 U.S.C. § 1132 governs actions under ERISA and provides the exclusive remedies for actions under an ERISA-regulated plan. Therefore, this Court has original jurisdiction over this action pursuant to 29 U.S.C.§ 1132(e)(1) and 28 U.S.C. § 1331. Accordingly, this action may be removed by Defendants pursuant to 28 U.S.C. § 1441. Venue is proper in this Court under 28 U.S.C. § 1391, as this action was pending in a state court within this district and division.

3. **Removal Procedure.** Citation and a copy of Plaintiff's Original Petition was first served on Unum Provident by serving its office in Chattanooga, Tennessee on February 20, 2008, which was the first time that Unum Provident or General Dynamics received, through service or otherwise, a copy of the initial pleading setting forth the claim for relief upon which this action is based. As such, removal is timely under 28 U.S.C. §1446(b).

4. **Removal Documents.** Pursuant to the Operating Procedures of the United States District Court for the Western District of Texas, an Index of State Court Filed Documents, together with the state court docket sheet and all documents filed in the state court except discovery, are attached collectively as **Exhibit A**.

5. **List of Counsel.** A list of all counsel of record, including each attorney's bar number, address, telephone number and parties represented, is attached as **Exhibit B.**

6. **Relief Requested.** Defendants respectfully request that the United States District Court for the Western District of Texas, Waco Division, accept this notice of removal and that it assume jurisdiction of this cause and issue all such further orders and processes as may be necessary to bring before it all parties necessary for the trial hereof.

Respectfully submitted,

By: ______________________________

Doug K. Butler
State Bar No. 03516050
Bill E. Davidoff
State Bar No. 00790565
Amanda D. Sotak
State Bar No. 24037530

FIGARI & DAVENPORT, L.L.P.
3400 Bank of America Plaza
901 Main Street, LB 125
Dallas, Texas 75202-3796
(214) 939-2000
(214) 939-2090 (Telecopy)

ATTORNEYS FOR DEFENDANTS
GENERAL DYNAMICS INFORMATION
TECHNOLOGY, INC. and UNUM
PROVIDENT CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent by certified mail, return receipt requested, to William A. Harris, Harris Law Office, 425 North 8th Street, Killeen, Texas 76541, on this the 20th day of March, 2008.

____
Bill E. Davidoff

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

JEFFREY E. RADFORD,	§	
	§	
Plaintiff,	§	
	§	
v.	§	C.A. No. ____________________
	§	
GENERAL DYNAMICS INFORMATION TECHNOLOGY, INC. and UNUM PROVIDENT CORPORATION,	§	
	§	
	§	
Defendants.	§	
	§	

EXHIBIT A
INDEX OF STATE COURT FILED DOCUMENTS

Defendants General Dynamics Information Technology, Inc. ("General Dynamics") and Unum Provident Corporation ("Unum Provident") (together "Defendants") file this index of state court filed documents as follows:

	State Court Document	Date Filed or Received
1.	Docket Sheet	N/A
2.	Plaintiff's Original Petition	02/05/08
3.	Motion for Out of State Service (Unum Provident)	02/05/08
4.	Order on Motion for Out of State Service (Unum Provident)	02/05/08
5.	Request for Citation (General Dynamics)	02/05/08
6.	Request for Out of State Citation (Unum Provident)	02/05/08

7.	Non-Resident Citation to Unum Provident	02/20/08
8.	Defendants' Original Answer	03/10/08

Pursuant to the Operating Procedures of the United States District Court for the Western District of Texas, Defendants have attached copies of the items listed above, individually tabbed and arranged in chronological order according to the state court file or issuance date.

1

CIVIL JUDGES DOCKET

Date Filed 02-05-08

	Cause Number	Type of Case	
JD	227840 - 0 Court 169	breach of Contra	227840

Style of Case

JEFFREY RADFOR, | WILLIAM HARRIS,

VS

GENERAL DYNAMICS INFORMATION TECHNOLOGY INC.

Date of Orders	Orders of Court
02-05-08	FILE PLAINTIFF'S ORIGINAL PETITION BY WILLIAMS

bdc_dock1

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE & CORRECT COPY
OF THE ORIGINAL ON FILE

MAR 06 2008

SHELIA F. NORMAN
DISTRICT CLERK, BELL CO., TX
BY ________ DEPUTY

2

COPY ORIGINAL

CAUSE NUMBER 227,840-C

JEFFREY E. RADFORD	§	**IN THE 169 JUDICIAL**
	§	
	§	
VS	§	**DISTRICT COURT OF**
	§	
GENERAL DYNAMICS INFORMATION TECHNOLOGY, INC	§	
	§	
And UNUM PROVIDENT CORPORATION	§	**BELL COUNTY, TEXAS**

FILED 2008 FEB -5 AM 8:47 SHELIA NORMAN DISTRICT COURT BELL COUNTY, TX DEPUTY

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, ***Jeffrey E. Radford,*** hereinafter called Plaintiff, complaining of ***General Dynamics Information Technology, Inc and Unum Provident Corporation,*** hereinafter called Defendant's, and for cause of action would respectfully show the Court and Jury the following:

Discovery

Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Plaintiff advises an intention that discovery shall be conducted under Level 3.

Jurisdiction

Plaintiff is an individual and resident of Bell County, Texas.

Defendant ***General Dynamics Information Technology, Inc,*** is a place of business in Killeen, Bell County, Texas, and may be served through its registered agent CT Corporation systems located at 350 N. St. Paul Street, Dallas, Texas 75201.

Defendant ***Unum Provident*** is a place of business in Chattanooga, TN, and may be served at 1 Fountain Square, Chattanooga, TN 37402.

Venue

Plaintiff would show venue of this case is proper in Bell County, Texas for the following reasons:

1. All or a substantial part of the events or omissions giving rise to the claim occurred in Bell County;

2. A Plaintiff resides in Bell County;

Background Facts

Plaintiff ***Jeffrey E. Radford*** applied for Long-Term Disability Benefits under his benefits package paid for by Plaintiff from his pay and provided by Unum Provident Insurance Company said package provided disability insurance for medical conditions. Plaintiff's medical conditions prevent him from working for Defendant General Dynamics Information Technology Inc. The UNUM PROVIDENT policy states that a recipient is eligible for Disability benefits if the recipient is 1.) Unable to perform on a full-time or part-time basis each of the important duties of your own occupation because of an injury or sickness that started while insured under the policy; 2.) Do not work at all; and 3.) You are receiving Doctor's Care.

Plaintiff was found disabled under the Social Security Administration on November 5th, 2006, with an onset date of April 6th, 2006. Plaintiff became entitled to receive benefits on October 1st, 2006, five calendar months after his onset date of April 6th, 2006. Plaintiff continues to receive Disability Benefits under Social Security Administration due to his ailments. Both the Social Security Administration and UNUM PROVIDENT state that a recipient is eligible for Disability benefits if the recipient is 1.) Unable to perform on a full-time or part-time basis each of the important duties of your own occupation because of an injury or sickness that started while insured under the policy; 2.) Do not work at all; and 3.) You are receiving Doctor's Care.

UNUM PROVIDENT, granted and paid plaintiff Short Term Disability Benefits from the entire period of eligibility.

Unum Provident denied Plaintiff Long-Term Disability Benefits in writing on or about July 5th, 2007, stating Plaintiff's conditions were pre-existing, however, Plaintiff's conditions are not preexisting.

Breach Of Contract

Furthermore, Plaintiff would show based on the policies and guidelines Defendants breached their contract for long-term disability payments with Plaintiff. As a result of Defendant's breach of contract, Plaintiff has suffered damages, which exceed the minimum jurisdictional limits of this court.

Defendant, ***General Dynamics Information Technology, Inc,*** provided a contract for disability insurance administered by Defendant ***Unum Provident.***

Prayer

By reason of the above and foregoing, Plaintiff has been damaged in a sum within the jurisdictional limits of this court.

WHEREFORE, Plaintiff prays that Defendant's be duly cited to appear and answer herein and that upon the final trial of this cause Plaintiff recover:

1. Judgment against Defendant's for Plaintiff's damages as set forth above, in an amount within the jurisdictional limits of this court;
2. Interest on said judgment at the legal rate from date of judgment;
3. Prejudgment interest on Plaintiff's damages as allowed by law; and
4. Such other and further relief to which Plaintiff may be justly entitled.
5. Attorneys fees and all cost of court.

Respectfully Submitted,

Harris Law Office
425 North 8th Street
P.O. Box L
Killeen, Texas 76541
Phone 254-526-0108
Fax 254-526-7141
William A. Harris
State Bar # 09095700
Lane Heginbotham
State Bar # 24000323

3

CAUSE NUMBER 227,370-C

JEFFREY E. RADFORD	§	**IN THE** 169 **JUDICIAL**
	§	
	§	
VS	§	**DISTRICT COURT OF**
	§	
GENERAL DYNAMICS INFORMATION TECHNOLOGY, INC And UNUM PROVIDENT CORPORATION	§	
	§	
	§	**BELL COUNTY, TEXAS**

FILED
2008 FEB -5 AM 8:48
SHEILA NORMAN
DISTRICT COURT
BELL COUNTY
BY ______ DEPUTY

MOTION FOR OUT OF STATE SERVICE

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff respectfully requests that the Denis Bakkon Investigation, of Chattanooga, Tennessee, located at P.O. Box 17446, Chattanooga, TN, be appointed to serve Plaintiff's Original Petition and other notices in the above-styled and numbered cause on ***Unum Provident Corporation*** at 1 Fountain Square, Chattanooga, TN 37402. Plaintiff would show that Denis Bakkon Investigation is an Office qualified to serve Plaintiff's Original Petition and other notices as allowed by Rule 103 of the Texas Rules of Civil Procedure.

Respectfully Submitted,

[signature]

Harris Law Office
425 North 8th Street
P.O. Box L
Killeen, Texas 76541
Phone 254-526-0108
Fax 254-526-7141
William A. Harris
State Bar # 09095700
Lane Heginbotham
State Bar # 24000323

4

CAUSE NUMBER 227,490-C

JEFFREY E. RADFORD	§	**IN THE** 169 **JUDICIAL**
	§	
	§	
VS	§	**DISTRICT COURT OF**
	§	
GENERAL DYNAMICS INFORMATION TECHNOLOGY, INC	§	
	§	
And UNUM PROVIDENT CORPORATION	§	**BELL COUNTY, TEXAS**

FILED
2008 FEB -5 AM 8:48
SHELIA NORMAN
DISTRICT COURT
BELL COUNTY, TX
BY ______ DEPUTY

ORDER ON MOTION FOR OUT OF STATE SERVICE

On this ____ day of ______________________________ 2008, came on to be considered Plaintiff's request that Denis Bakkon Investigations, be appointed to serve Plaintiff's Original Petition and other notices in the above-styled and numbered cause on ***Unum Provident Corporation*** at 1 Fountain Square, Chattanooga, TN 37402. **IT IS ORDERED** that Denis Bakkon Investigations is an Office qualified to serve Plaintiff's Original Petition and other notices as allowed by Rule 103 of the Texas Rules of Civil Procedure in this cause.

SIGNED on this ______ day of ____________________________, 2008.

____

Judge Presiding

5

REQUEST FOR CITATION

DATE: January 15, 2008

STYLED:

CAUSE NUMBER 227,841-C

JEFFREY E. RADFORD	§	**IN THE 169 JUDICIAL**
	§	
	§	
VS	§	**DISTRICT COURT OF**
	§	
GENERAL DYNAMICS INFORMATION TECHNOLOGY, INC	§	
	§	
And UNUM PROVIDENT CORPORATION	§	**BELL COUNTY, TEXAS**

TYPE OF SERVICE REQUESTED:

Plaintiff's Original Petition

FILED
2008 FEB -5 AM 8:48
SHELIA NORMAN
DISTRICT COURT
BELL COUNTY, TX
BY ______ DEPUTY

TO BE SERVED BY:

Bryant Miller

NAME AND ADDRESS FOR SERVICE:

General Dynamics Information Technology, Inc
Through its registered agent CT Corporation systems
Dallas, Texas 75201

Harris Law Office
425 North 8th Street
P.O. Box L
Killeen, Texas 76541
Phone 254-526-0108
Fax 254-526-7141
William A. Harris
State Bar # 09095700
Lane Heginbotham
State Bar # 24000323

Jnd 2/5/08
12:39 pm

6

REQUEST FOR OUT OF STATE CITATION

DATE: January 9, 2008

STYLED:

CAUSE NUMBER 227,840C

JEFFREY E. RADFORD	§	**IN THE** 149 **JUDICIAL**
	§	
	§	
VS	§	**DISTRICT COURT OF**
	§	
GENERAL DYNAMICS INFORMATION	§	
TECHNOLOGY, INC	§	
And UNUM PROVIDENT CORPORATION	§	**BELL COUNTY, TEXAS**

FILED
2008 FEB -5 AM 8:48
SHELIA NORMAN
DISTRICT COURT
BELL COUNTY, TX
BY ________ DEPUTY

TYPE OF SERVICE REQUESTED:

Plaintiff's Original Petition

TO BE SERVED BY:

Denis Bakkon Investigations

NAME AND ADDRESS FOR SERVICE:

Unum Provident Corporation
1 Fountain Square
Chattanooga, TN 37402

Harris Law Office
425 North 8th Street
P.O. Box L
Killeen, Texas 76541
Phone 254-526-0108
Fax 254-526-7141
William A. Harris
State Bar # 09095700
Lane Heginbotham
State Bar # 24000323

7

CN/R

227840

THE STATE OF TEXAS

Non-Resident CITATION

Cause No. 227840 - 0

Served 2/20/08 [signature]

RECEIVED COPY

FEB 20 2008

LAW DEPT.

To

UNUM PROVIDENT CORP
1 FOUNTAIN SQUARE
CHATTANOOGA, TENNESSEE 37402

Defendant, in the hereinafter styled and numbered cause:
You are hereby commanded to appear before the **169th District Court**, Bell County, Texas to be held at the Bell County District Courts Building in Belton, Texas, by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** at or before 10 o'clock AM of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in cause number 227840 - 0, styled

JEFFREY RADFOR
VS
GENERAL DYNAMICS INFORMATION TECHNOLOGY INC.

filed in said court on February 05, 2008.
This was issued at the request of attorney: WILLIAM HARRIS, ATTORNEY AT LAW BOX L KILLEEN, TEXAS 76541.

NOTICE TO Defendant: ***You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM on Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.***

Witness, Shelia Norman, District Clerk of Bell County, Texas.
Issued and given under my hand and the seal of said Court at office in Belton, Texas on February 05, 2008.

Radford
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

Shelia Norman
District Clerk
P.O. Box 909
1201 West Huey Road
Belton, Texas 76513
By: [signature] deputy
ALEXANDR

RETURN

STATE OF ____________, COUNTY OF ____________, Before me, the undersigned authority, personally appeared ____________, a person competent to make oath, and who by me being duly sworn deposes and says: that this notice came to hand on ____________ at ______ o'clock ____M., and executed at by delivering to defendant ____________ in person, at ____________, in ____________ County, State of ____________, on ____________, at ______ o'clock ____ M. a true copy of this notice, with the date of delivery endorsed thereon, together with a copy of plaintiff's petition attached thereto. He further says that he is in no manner interested in this suit.

____________, sworn to and subscribed before me on, ____________, 20____.

SEAL

signed by ____________

and dated ____________

Total fee for Serving Citation ..... $____________

Rule 108. -- Defendant Without State. Where the defendant is absent from the State, or is a Non-resident of the State, the form of notice to such defendant of the institution of the suit shall be the same as prescribed for citation to a resident defendant; and such notice may be served by any disinterested person competent to make oath of the fact in the same manner as provided in Rule 106 hereof. The return of service in such case shall be endorsed on or attached to the original notice, and shall be in the form provided in Rule 107, and be signed and sworn to by the party making such service before some officer authorized by the laws of this State to take affidavits, under the hand and official seal of such officer. A defendant served with such notice shall be required to appear and answer in the same manner and time and under the same penalties as if he had been personally served with a citation within this State.

cnr

8

COPY

CAUSE NUMBER 227,840-O

JEFFREY E. RADFORD,	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
v.	§	
	§	
GENERAL DYNAMICS INFORMATION TECHNOLOGY, INC. and UNUM PROVIDENT CORPORATION,	§	BELL COUNTY, TEXAS
	§	
	§	
Defendants.	§	
	§	169TH JURIDICAL DISTRICT

FILED
2008 MAR 10 AM 8:39
SHELIA NORMAN
DISTRICT COURT
BELL COUNTY TX
BY ____ DEPUTY

DEFENDANTS' ORIGINAL ANSWER

Defendants General Dynamics Information Technology, Inc. ("General Dynamics") and Unum Provident Corporation ("Unum") (together "Defendants") file this answer to the original petition of Plaintiff Jeffrey E. Radford ("Plaintiff") and state:

1. **General Denial**. Subject to such admissions and stipulations as may be made at or before the time of trial, Defendants deny generally and specially the material allegations contained in the petition and demand strict proof thereof in accordance with the requirements of the laws of this state.

2. **Request for Relief**. Defendants request the following relief:

   a. that Plaintiff take nothing by reason of his suit;

   b. that Defendants be dismissed with their costs and attorney's fees; and

   c. that Defendants have all such other and further relief, both general and special, at law and in equity, to which it may show themselves justly entitled.

Respectfully submitted,

By: ______________________________
Doug K. Butler
State Bar No. 03516050
Amanda Sotak
State Bar No. 24037530

FIGARI & DAVENPORT, L.L.P.
3400 Bank of America Plaza
901 Main Street
Dallas, Texas 75202-3796
(214) 939-2006
(214) 939-2090 (Telecopy)

ATTORNEYS FOR DEFENDANTS
GENERAL DYNAMICS INFORMATION
TECHNOLOGY, INC. and
UNUM PROVIDENT CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent by certified mail, return receipt requested, to William Harris, Harris Law Office, 425 North 8th Street, P.O. Box L, Killeen, Texas 76541, on this the 7th day of March, 2008.

____
Doug K. Butler

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

JEFFREY E. RADFORD, Plaintiff, v. GENERAL DYNAMICS INFORMATION TECHNOLOGY, INC. and UNUM PROVIDENT CORPORATION, Defendants.	§ § § § § § § § § § §	C.A. No. ________________

EXHIBIT B
LIST OF COUNSEL

William A. Harris
State Bar No. 09095700
Lane Heginbotham
State Bar No. 24000323
Harris Law Office
425 North 8th Street
P.O. Box L
Killeen, Texas 76541
254-526-0108 - Phone
254-525-7141 - Fax

ATTORNEYS FOR PLAINTIFF
JEFFREY E. RADFORD

Doug K. Butler
State Bar No. 03516050
Bill E. Davidoff
State Bar No. 00790565
Amanda D. Sotak
State Bar No. 24037530

FIGARI & DAVENPORT, L.L.P.
3400 Bank of America Plaza
901 Main Street
Dallas, Texas 75202
(214) 939-2000
(214) 939-2090 (Telecopy)

ATTORNEYS FOR DEFENDANTS
GENERAL DYNAMICS INFORMATION
TECHNOLOGY, INC. and
UNUM PROVIDENT CORPORATION

ORIGINAL

422835

AO82
(Rev. 4/90)

RECEIPT FOR PAYMENT
UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF TEXAS
at Waco, TX

RECEIVED FROM
Figari + Davenport LLP
3400 Bank of America Plaza
901 Main Street
Dallas, TX 75202-3796

Fund	
6855XX	Deposit Funds
604700	Registry Funds
	General and Special Funds
508800	Immigration Fees
085000	Attorney Admission Fees
086900	Filing Fees
322340	Sale of Publications
322350	Copy Fees
322360	Miscellaneous Fees
143500	Interest
322380	Recoveries of Court Costs
322386	Restitution to U.S. Government
121000	Conscience Fund
129900	Gifts
504100	Crime Victims Fund
613300	Unclaimed Monies
510000	Civil Filing Fee (½)
510100	Registry Fee

M

ACCOUNT	AMOUNT	
510000	$190	00
086900	$60	00
086400	$100	00
TOTAL	$350.00	

Case Number or Other Reference
W:08-CA-079

Civil Case Filing Fee
Jeffrey E. Radford vs. General Dynamics Info. Technology, Inc et al

$Checks and drafts are accepted subject to collection and full credit will only be given when the check or draft has been accepted by the financial institution on which it was drawn.

70440

DATE	Cash	Check	M.O.	Credit
3/21/2008		X		

DEPUTY CLERK: S. Miles

W08CA079

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

RADFORD, JEFFREY E.

(b) County of Residence of First Listed Plaintiff Bell County, TX
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
William A. Harris; Lane Heginbotham **(Attnys for Plaintiff)**
425 North 8th Street
Killeen, TX 76541
phone: 254-526-0108; fax: 254-525-7141

DEFENDANTS

GENERAL DYNAMICS INFORMATION TECHNOLOGY, INC. and UNUM PROVIDENT CORPORATION

County of Residence of First Listed Defendant ______
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)
Doug K. Butler; Bill E. Davidoff; Amanda D. Sotak
FIGARI & DAVENPORT, L.L.P.
901 Main Street, Suite 3400
Dallas, Texas 75202
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 Fax: 214-939-2090 **(Attnys for Defendants)**

II. BASIS OF JURISDICTION (Place An "X" in One Box Only)

☐ 1 U.S. Government Plaintiff
X 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	x 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All other Real Property

TORTS

PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Federal Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury

PERSONAL INJURY
☐ 362 Personal Injury – Med. Malpractice
☐ 365 Personal Injury – Product Liability
☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

CIVIL RIGHTS
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/ Accommodations
☐ 444 Welfare
☐ 445 Amer. w/Disabilities-Employment
☐ 446 Amer. w/Disabilities-Other
☐ 440 Other Civil Rights

PRISONER PETITIONS
☐ 510 Motions to Vacate Sentence
Habeas Corpus:
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus & Other
☐ 550 Civil Rights
☐ 555 Prison Condition

FORFEITURE/PENALTY
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Law
☐ 640 R.R. & Truck
☐ 650 Airline Regs.
☐ 660 Occupational Safety/Health
☐ 690 Other

LABOR
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt. Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
X 791 Empl. Ref. Inc. Security Act

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
☐ 820 Copyrights
☐ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS – Third Party 26 USC 7609

OTHER STATUTES
☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 480 Consumer Credit
☐ 490 Cable/Sat TV
☐ 810 Selective Service
☐ 850 Securities/Commodities/ Exchange
☐ 875 Customer Challenge 12 USC 3410
☐ 890 Other Statutory Actions
☐ 891 Agricultural Acts
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Information Act
☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding
X 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated *or* Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing **(Do not cite jurisdictional statutes unless diversity)**:
28 U.S.C. § 1441; 29 U.S.C. § 1132

Brief description of cause:
Suit to recover disability benefits under a group insurance policy.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND $
CHECK YES only if demanded in complaint
JURY DEMAND: ☐ YES X NO

VIII. RELATED CASE(S) IF ANY:

(See instructions): **JUDGE** ______ **DOCKET NUMBER** ______

DATE 3/20/08 SIGNATURE OF ATTORNEY OF RECORD (Bill E. Davidoff)

FOR OFFICE USE ONLY

RECEIPT # ______ AMOUNT ______ APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

W08CA079

Supplement to JS 44 Civil Cover Sheet
Cases Removed from State District Court

This form must be filed with the Clerk's Office no later than the **first business day** following the filing of the Notice of Removal. Additional sheets may be used as necessary.

The attorney of record for the removing party **MUST** sign this form.

STATE COURT INFORMATION:

1. Please identify the court from which the case is being removed; the case number; and the complete style of the case.

This case is being removed from District Court, Bell County, 169th Judicial District Court

Case No. 227,840-O

Jeffrey E. Radford v. General Dynamics Information Technology, Inc. and Unum Provident Corporation

2. Was jury demand made in State Court? Yes ☐ No ☒

If yes, by which party and on what date?

Party Name ____________________ Date ____________

STATE COURT INFORMATION:

1. List all plaintiffs, defendants, and intervenors still remaining in the case. Also, please list the attorney(s) of record for each party named and include the attorney's firm name, correct mailing address, telephone number, and fax number (including area codes).

Plaintiff: Jeffrey E. Radford

Attorneys for Plaintiff:
William A. Harris
Lane Heginbotham
Harris Law Office, 425 North 8th Street, PO Box L, Killeen, TX 76541
Phone: 254-526-0108; Fax: 254-525-7141

Defendants: General Dynamics Information Technology, Inc. and Unum Provident Corporation

Attorneys for Defendants:
Doug K. Butler; Amanda D. Sotak; Bill E. Davidoff
Figari & Davenport, LLP, 901 Main Street, Suite 3400, Dallas, TX 75202-3796
Phone: 214-939-2000; Fax: 214-939-2090

2. List all parties that have not been served at the time of the removal, and the reason(s) for non-service.

   None

3. List all parties that have been non-suited, dismissed, or terminated, and the reason(s) for their removal from the case.

   None

COUNTERCLAIMS, CROSS-CLAIMS, and/or THIRD-PARTY CLAIMS:

1. List separately each counterclaim, cross-claim, or third-party claim still remaining in the case and designate the nature of each such claim. For each counterclaim, cross-claim, or third-party claim, include all plaintiffs, defendants, and intervenors still remaining in the case. Also, please list the attorney(s) of record for each party named and include the attorney's firm name, correct mailing address, telephone number, and fax number (including area codes).

   None

VERIFICATION:

(Bill E. Davidoff) March 20, 2008

Attorney for Removing Party Date

General Dynamics Information Technology, Inc. and Unum Provident Corpora[illegible]

Party/Parties